

5
No. 98-7450

Supreme Court, U.S.

FILED

SEP 17 1999

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In The
Supreme Court of the United States

— ♦ —
SCOTT LESLIE CARMELL,

Petitioner,

v.

STATE OF TEXAS,

Respondent.

— ♦ —
**On Writ Of Certiorari To The
Texas Court Of Appeals**

— ♦ —
JOINT APPENDIX
— ♦ —

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September 17, 1999

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**Petition For Writ Of Certiorari Filed December 14, 1998
Certiorari Granted June 14, 1999**

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[TRAIL COURT] DOCKET SHEET

- 12/30/96 PRETRIAL HEARING-STATE, DEFT & DEFT'S ATTY PRESENT, CT. CONSIDERED DEFTS MOTION TO QUASH AND CT. DENIED MOTION TO QUASH; DEFT (PROSE) ADDRESSED CT. BUT DID NOT UNEQUVOCALLY [sic] WAIVE RT. TO COUNSEL. LG
- 1/6/97 CASE SET FOR JURY TRIAL-STATE, DEFT & DEFT'S ATTY APPEARED-BEFORE JURY SELECTION CT. ASKED DEFT IF HE WISHED TO PURSUE HIS MOTION TO DISCHARGE ATTY & FOR APPT. OF NEW ATTY-DEFT. SAID HE NO LONGER WANTED A DIFFERENT CT. APPTED ATTY, BUT WAS CONSIDERING REP. HIMSELF, DEFT. STATE FOR RECORD HE WANTED MR. PAINE TO REP. HIM, CT. DENIED DEFT'S PRO SE APP. FOR WRIT OF HABEAS CORPUS. JURY PANEL SWORN & SEATED, VOIR DIRE WAS CONDUCTED & JURY WAS SELECTED & SWORN. LG
- 1/7/97 DEFT. ARRAIGNED OUTSIDE PRESENCE OF JURY & DEFT. PLED "NOT GUILTY" TO ALL 15 COUNTS INDICTMENT READ BEFORE JURY & DEFT. PLED "NOT GUILTY" TO ALL 15 COUNTS: OPENING STMTS. PRESENTED & EVIDENCE BEGUN. LG
- 1/8/97 EVIDENCE CONT'D. STATE RESTED: DEFT RESTED: BOTH SIDES CLOSED: JURY CHARGE PREPARED: DEFT. MADE MOT. FOR DIRECTED VERDICT ON COUNTS I-IV: CT. DENIED MOTION. LG

- 1/9/97 CHARGE READ TO JURY: FINAL ARGUMENTS PRESENTED: JURY RETIRED TO DELIBERATE: JURY RETURNED VERDICT OF "GUILTY" AS TO ALL 15 COUNTS: CT. ACCEPTED VERDICT: PUNISHMENT PHASE BEGUN: STATE PRESENTED EVIDENCE. LG
- 1/10/97 EVID. CONT'D IN PUN. PHASE: STATE RESTED: DEFT. PRESENTED EVID. ON PUNISHMENT: DEFT. RESTED: BOTH SIDES CLOSED: CHARGE PREPARED & READ TO JURY: ARGUMENTS PRESENTED ON PUNISHMENT: JURY RETIRED TO DELIBERATE: JURY RETURNED VERDICT OF 20 YRS ID-TDCJ ON 13 COUNTS AND "LIFE" ON TWO COUNTS-CT. ACCEPTED VERDICT OF JURY & DISCHARGED JURY: SENTENCING SET FOR 1/14/97 @8:45 AM. LG
- 1/14/97 STATE, DEFT & DEFT'S ATTY APPEARED FOR SENTENCING-DEFT. FORMALLY SENTENCED & ADVISED OF RT. TO APPEAL. LG
- 3/24/97 CT. DENIED DEFT'S MOTION FOR NEW TRIAL. LG
-

Scott Leslie CARMELL, Appellant,

v.

The STATE of Texas, State.

No. 2-97-197-CR.

**Court of Appeals of Texas,
Fort Worth.**

Feb. 12, 1998.

Rehearing Overruled March 26, 1998.

William F. Street, Denton, for Appellant.

Bruce Isaacks, Criminal District Attorney, Yolanda M. Joosten, Paige McCormick, Earl Dobson, Assistant District Attorneys, Denton, Matthew Paul, State Prosecuting Attorney, Austin, for Appellee.

Before HOLMAN, J., CAYCE, C.J., and DAY, J.

OPINION

PER CURIAM.

I. INTRODUCTION

Appellant Scott Leslie Carmell was convicted of eight counts of indecency with a child, two counts of aggravated sexual assault, and five counts of sexual assault against his stepdaughter K.M. The jury assessed punishment at life on the aggravated sexual assault counts and 20 years on the remaining counts. In six points, appellant argues that (1) the trial court erred in denying his motion

for new trial because the State did not disclose impeachment evidence and (2) the evidence was legally insufficient to support the aggravated sexual assault convictions, one of the indecency convictions, and one of the sexual assault convictions. Because we find that the impeachment evidence would not have been admissible and that the evidence was legally sufficient, we affirm the convictions.

II. LEGAL SUFFICIENCY OF THE EVIDENCE

In five points, appellant challenges the legal sufficiency of the evidence regarding four of the convictions.¹ We will try to limit the recitation of the facts to these four counts as much as possible due to the disturbing and graphic nature of this case.

A. Factual Background

Ron Borchert and Eleanor Alexander married in 1972. K.M. was born on March 24, 1978. Eleanor began to see appellant, a counselor specializing in counseling victims of incest, because she was an incest survivor. In early 1987, Eleanor divorced Ron and married appellant the next year.

By the time K.M. was twelve, appellant would give her a back rub every night after she said her prayers.

¹ Although appellant challenges the denial of his motions for an instructed verdict, the points actually attack the legal sufficiency of the evidence. See *Madden v. State*, 799 S.W.2d 683, 686 (Tex.Crim.App.1990), cert. denied, 499 U.S. 954, 111 S.Ct. 1432, 113 L.Ed.2d 483 (1991).

Soon the back rubs changed, and appellant would tell K.M. to take her shirt off and pull her shorts down a little. In the spring of 1991, appellant touched her "on the pubic hair" during one of the back rubs. Appellant then decided that he and K.M. needed to "date" and spend every Tuesday night together. This included sleeping in the same bed. Appellant claimed that this was part of the family's bonding process.

In the summer of 1991, appellant took his clothes off, got in a sleeping bag with K.M., and pulled her on top of him. He put his erect penis between her legs, and his penis touched her "genital area." Later that summer, appellant and K.M. were sleeping together nude when appellant pulled K.M. on top of him. He put his erect penis between her legs and pushed against her "pubic" or "genital" area. In June 1992, appellant took K.M. into his bedroom for a "nap." They undressed, and appellant pulled her on top of his erect penis, touching her "genital area."

These incidents and more finally led to appellant having sex with K.M. in September 1993. Two days later, appellant "married" K.M. in a mock ceremony and continued having sex with her until early 1995.² K.M. finally told her mother about the long-term abuse, and her mother took her to the police. At trial, Eleanor testified that once while she visited appellant in jail, he wrote "adultery with [K.M.]" on a piece of paper when she told

² Appellant was a devoted correspondent and would send letters and cards to K.M., signing them "Dad, friend, and partner for life." [IX RR 165]

him that he needed to confess if he was sorry for what he had done to K.M.

B. Standard of Review

In reviewing the legal sufficiency of the evidence to support a conviction, we view the evidence in the light most favorable to the jury's verdict. *See Narvaiz v. State*, 840 S.W.2d 415, 423 (Tex.Crim.App.1992), *cert. denied*, 507 U.S. 975, 113 S.Ct. 1422, 122 L.Ed.2d 791 (1993). The critical inquiry is whether, after so viewing the evidence, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *See Emery v. State*, 881 S.W.2d 702, 705 (Tex.Crim.App.1994), *cert. denied*, 513 U.S. 1192, 115 S.Ct. 1257, 131 L.Ed.2d 137 (1995). This standard gives full play to the responsibility of the trier of fact to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts. *See Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789, 61 L.Ed.2d 560, 573 (1979).

The legal sufficiency of the evidence is a question of law. The issue on appeal is not whether we as a court believe the State's evidence or believe that the defense's evidence outweighs the State's evidence. *See Matson v. State*, 819 S.W.2d 839, 846 (Tex.Crim.App.1991); *Wicker v. State*, 667 S.W.2d 137, 143 (Tex.Crim.App.), *cert. denied*, 469 U.S. 892, 105 S.Ct. 268, 83 L.Ed.2d 204 (1984). The verdict may not be overturned unless it is irrational or unsupported by proof beyond a reasonable doubt. *See Matson*, 819 S.W.2d at 846.

C. June 1992 Sexual Assault

1. Timing of the outcry

In his sixth point, appellant argues that he should be acquitted of one of the sexual assault convictions because K.M. did not tell her mother about the abuse until "years after the offense" and there was nothing to corroborate K.M.'s version of events.

Appellant bases his argument on the version of article 38.07 that was in effect in June 1992, the date of the charged offense of sexual assault:

A conviction under Chapter 21, Section 22.011, or Section 22.021, Penal Code, is supportable on the uncorroborated testimony of the victim of the sexual offense if the victim informed any person, other than the defendant, of the alleged offense within six months after the date on which the offense is alleged to have occurred. The requirement that the victim inform another person of an alleged offense does not apply if the victim was younger than 14 years of age at the time of the alleged offense. The court shall instruct the jury that the time which lapsed between the alleged offense and the time it was reported shall be considered by the jury only for the purpose of assessing the weight to be given to the testimony of the victim.³

This statute was amended in 1993 to provide that the outcry had to occur within one year after the offense only

³ Act of May 26, 1983, 68th Leg., R.S., ch. 382, § 1, 1983 Tex. Gen. Laws 2090, 2090-91 & Act of May 29, 1983, 68th Leg., R.S., ch. 977, § 7, 1983 Tex. Gen. Laws 5317, 5319.

if the victim was 18 or older and delete the jury instruction requirement.⁴ Appellant posits that because K.M. was 14 at the time of the June 1992 sexual assault, K.M. was required to tell her mother within six months under the law in effect at the time of the offense; thus, because there was no outcry for about three years, the evidence was legally insufficient.

The statute as amended does not increase the punishment nor change the elements of the offense that the State must prove. It merely "removes existing restrictions upon the competency of certain classes of persons as witnesses" and is, thus, a rule of procedure. *Hopt v. Utah*, 110 U.S. 574, 590, 4 S.Ct. 202, 210, 28 L.Ed. 262, 269 (1884). Further, there is no showing that the legislature intended that article 38.07 not be a rule of procedure and apply as of the date of the offense. See generally *Lindquist v. State*, 922 S.W.2d 223, 227 n. 4 (Tex.App. - Austin 1996, pet. ref'd). As a rule of procedure, it applies to pending and future prosecutions. See *Zimmerman v. State*, 750 S.W.2d 194, 202-04 (Tex.Crim.App.1988). Thus, the law in effect at the time of appellant's trial in 1997 applies, which is the version amended in 1993.

Accordingly, because K.M. was younger than 18 at the time of the offense, the one-year time limit on her outcry does not apply. We overrule appellant's sixth point.⁵

⁴ See Act of May 29, 1993, 73rd Leg., R.S., ch. 900, § 12.01, 1993 Tex. Gen. Laws 3765, 3765-66 (currently at TEX.CODE CRIM. PROC. ANN. art. 38.07 (Vernon Supp.1998)).

⁵ In three supplemental points, appellant asserts that this argument also applies to three of the indecency with a child

2. Sexual organ contact

In his fifth point, appellant claims that the evidence was legally insufficient to support the sexual assault conviction because K.M.'s testimony that appellant touched her "genital area" with his penis is not specific enough to prove that his penis contacted K.M.'s sexual organ in June 1992. Appellant concedes that if K.M. had testified that appellant's penis touched her "genitals" or "genitalia," the evidence would be sufficient. See *Aylor v. State*, 727 S.W.2d 727, 729-30 (Tex.App. - Austin 1987, pet. ref'd) (citing *Clark v. State*, 558 S.W.2d 887, 889 (Tex.Crim.App.1977)).

Sexual assault is proven when the State shows that the defendant "intentionally or knowingly cause[d] the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor." TEX. PENAL CODE ANN. § 22.011(a)(2)(C) (Vernon Supp.1998). " '[G]enitals' includes the vulva which immediately surrounds the vagina." *Clark*, 558 S.W.2d at 889. If K.M. had testified, as appellant desired, that appellant contacted her "genitals," that would have encompassed the "genital area," i.e., the area surrounding the genitals. Further, it would be untenable to find that the genital area does not include the genitals. Thus, K.M.'s testimony was legally sufficient to prove that appellant contacted her sexual organ with his penis. We overrule point five.

counts, which occurred in March, June, and July of 1993. Because we have held that the 1993 version of the statute applied to appellant, we overrule supplemental points seven, eight, and nine.

D. Summer of 1991 Aggravated Sexual Assaults

In his third and fourth points, appellant argues that K.M.'s testimony that appellant's penis touched her "genital area" and "pubic area" was legally insufficient to support his two convictions for aggravated sexual assault. As we stated above, "genital area" is sufficient to prove "genitals." Further, K.M. affirmed that appellant's penis was erect when "it was up against [her] genital." We need not decide whether K.M.'s testimony that appellant touched her "pubic area" was sufficient to prove "sexual organ" because K.M. also testified that appellant's penis touched her "genital area" on that occasion. We overrule points three and four.

E. Spring of 1991 Indecency With a Child

In his second point, appellant claims that the evidence was legally insufficient to uphold his conviction for indecency with a child based solely on K.M.'s testimony that appellant touched her "on the pubic hair."

Indecency with a child requires "sexual contact" between the victim and the defendant. TEX. PENAL CODE ANN. § 21.11 (Vernon 1994). Sexual contact is defined as "any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person." *Id.* § 21.01(2). The external genital organs include the mons pubis, which is "the rounded eminence in front of the pubic symphysis [that] is formed by a collection of fatty tissue beneath the integument. It becomes covered with hair at the time of puberty." CHARLES M. GOSS, *GRAY'S ANATOMY* 1405 (26th ed.1954). Thus, by touching K.M.'s pubic hair, appellant

touched a part of her genitals. The evidence was legally sufficient and we overrule appellant's second point.

III. FAILURE TO REVEAL IMPEACHMENT EVIDENCE

In his first point, appellant argues that the trial court should have granted him a new trial because the State failed to disclose that Eleanor had another man's child while appellant was in prison. The State does not dispute that it did not disclose this evidence to appellant.

We review the denial of a motion for new trial based on newly-discovered evidence under an abuse of discretion standard. *See Driggers v. State*, 940 S.W.2d 699, 709 (Tex.App. – Texarkana 1996, pet. ref'd) (op. on reh'g). The State must produce exculpatory as well as impeachment evidence to a defendant. *See Kyles v. Whitley*, 514 U.S. 419, 432-34, 115 S.Ct. 1555, 1565, 131 L.Ed.2d 490, 505 (1995). *See generally Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). However, the record must reflect that (1) the newly-discovered evidence was unknown to the movant at the time of trial; (2) the movant's failure to discover the evidence was not due to his want of diligence; (3) the evidence was admissible and not merely cumulative, corroborative, collateral, or impeaching; and (4) the evidence was probably true and would probably bring about a different result in another trial. *See Moore v. State*, 882 S.W.2d 844, 849 (Tex.Crim.App.1994), *cert. denied*, 513 U.S. 1114, 115 S.Ct. 909, 130 L.Ed.2d 791 (1995); *see also Gowan v. State*, 927 S.W.2d 246, 249 (Tex.App. – Fort Worth 1996, pet. ref'd).

Any evidence showing Eleanor's sexual relationship with another man and proving that she had his baby

would be inadmissible as impeachment evidence. See TEX.R.CRIM. EVID. 608(b); *Ramos v. State*, 819 S.W.2d 939, 942 (Tex.App. – Corpus Christi 1991, pet. ref'd). Because the evidence was inadmissible, the State did not have to produce it, and the trial court did not abuse its discretion in not allowing its admission. We overrule point one.

IV. CONCLUSION

Because we find that the evidence was legally sufficient and the trial court did not abuse its discretion in denying appellant's motion for new trial, we affirm the trial court's judgments.⁶

⁶ Appellant has filed a letter asking us to reprimand or replace his court-appointed attorney. His only complaint with counsel is that counsel is not communicating with him. Unless an appellant waives counsel and chooses to represent himself or shows an adequate reason for new counsel, appellant must accept the counsel appointed by the court. See *Halliburton v. State*, 928 S.W.2d 650, 651-52 (Tex.App. – San Antonio 1996, pet. ref'd); see also *Hubbard v. State*, 739 S.W.2d 341, 344 (Tex.Crim.App.1987). Appellant has done neither, and we deny his requests.

CAUSE NO. F-96-1227-E

BOND: \$55,000

DEFENDANT: SCOTT LESLIE CARMELL

CHARGE:

INDECENCY WITH A CHILD (EIGHT COUNTS)
AGGRAVATED SEXUAL ASSAULT (TWO COUNTS),
SEXUAL ASSAULT (FIVE COUNTS)

CO-DEFENDANT: NONE

WITNESS: INV. MILLS, D.A. OFFICE

TRUE BILL OF INDICTMENT

(Filed Dec. 19, 1996)

IN THE NAME AND BY AUTHORITY
OF THE STATE OF TEXAS

COUNT I.

THE GRAND JURORS, in and for the County of Denton, State of Texas, duly organized, impaneled, and sworn as such, at the July Term, A.D., 1996 of the District Court of the 158th Judicial District in and for said county and state, upon their oaths, present in and to said Court that SCOTT LESLIE CARMELL, who is hereinafter styled defendant, on or about the 15th day of February, A.D., 1991 and anterior to the presentment of this Indictment, in the county and state aforesaid, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, by touching the genitals of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant;

COUNT II.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of March, 1991, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, by touching the breast of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant;

COUNT III.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of June, 1991, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there intentionally and knowingly cause the sexual organ of Katharine Michelle Borchert, a child younger than 14 years of age and not the spouse of the defendant, to contact the sexual organ of the defendant;

COUNT IV.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of July, 1991, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there intentionally and knowingly cause the sexual organ of Katharine Michelle Borchert, a child younger than 14 years of age who was not the spouse of the defendant, to contact the sexual organ of the defendant;

COUNT V.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of November, 1991, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, by touching the genitals of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant;

COUNT VI.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of March, 1992, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, by touching the genitals of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant;

COUNT VII.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of June, 1992, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there and knowingly cause the sexual organ of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant, to contact the sexual organ of the defendant;

COUNT VIII.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court

as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of March, 1993, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, by touching the breast of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant;

COUNT IX.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of June, 1993, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant, by causing Katharine Michelle Borchert to touch the genitals of the defendant;

COUNT X.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to

said court that SCOTT LESLIE CARMELL, on or about the 1st day of July, 1993, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant, by causing Katharine Michelle Borchert to touch the genitals of the defendant;

COUNT XI.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of September, 1993, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there intentionally and knowingly cause the penetration of the female sexual organ of Katharine Michelle Borchert, a child younger than 17 years of age who was not the spouse of the defendant, with the sexual organ of the defendant;

COUNT XII.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 15th day of March, 1994, and anterior to the presentment of this indictment, in the County of Denton and

State of Texas, did then and there intentionally and knowingly cause the penetration of the female sexual organ of Katharine Michelle Borchert, a child younger than 17 years of age who was not the spouse of the defendant, with the sexual organ of the defendant;

COUNT XIII.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of May, 1994, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there intentionally and knowingly cause the penetration of the female sexual organ of Katharine Michelle Borchert, a child younger than 17 years of age who was not the spouse of the defendant, with the sexual organ of the defendant;

COUNT XIV.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of September, 1994, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of

the defendant, by causing Katharine Michelle Borchert to touch the genitals of the defendant;

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 1st day of September, 1994, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there, with the intent to arouse and gratify the sexual desire of the said SCOTT LESLIE CARMELL, intentionally and knowingly engage in sexual contact with Katharine Michelle Borchert, by touching the genitals of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant;

[COUNT] XV.

And the Grand Jurors aforesaid, duly selected, impaneled, sworn and charged at said term of said court as aforesaid, upon their oaths further present in and to said court that SCOTT LESLIE CARMELL, on or about the 13th day of March, 1995, and anterior to the presentment of this indictment, in the County of Denton and State of Texas, did then and there intentionally and knowingly cause the penetration of the female sexual organ of Katharine Michelle Borchert, a child younger than 17 years of age and not the spouse of the defendant, with the sexual organ of the defendant;

against the peace and dignity of the State.

BRUCE ISAACKS
CRIMINAL DISTRICT ATTORNEY OF
DENTON COUNTY, TEXAS

/s/ Illegible
Foreman of the Grand Jury

NO. F-96-1227-E
COUNT I.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding:	: Lee Gabriel
Date of Judgment	: Jan. 14, 1997
Attorney for State	: Earl Dobson Paige McCormick
Attorney for Defendant	: Henry Paine, Jr.
Offense	INDECENCY
Convicted of	: W/CHILD (Cnt 1)
Degree	: 2nd
Date Offense Committed	: Feb. 15, 1991
Charging Instrument	: Indictment
Plea	: Not Guilty
Jury Verdict	: Guilty
Presiding Juror	: Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : 20 YRS. TDCJ

Date to Commence : Jan. 14, 1997

Time Credited : 660 days

Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required : YES

Victim's Age : 12 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count I of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count I of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count I of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count I of the indictment, and that the said defendant committed said offense on or about the 15th day of February, 1991, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence

should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count I of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT II.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. *
SCOTT LESLIE CARMELL * DISTRICT COURT OF
* DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

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Attorney for State	: Earl Dobson Paige McCormick
Attorney for Defendant	: Henry Paine, Jr.
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Offense	INDECENCY
Convicted of	: W/CHILD (Cnt 2)
Degree	: 2nd
Date Offense Committed	: March 1, 1991
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Charging Instrument	: Indictment
Plea	: Not Guilty
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Jury Verdict	: Guilty
Presiding Juror	: Terri Tomchesson
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Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
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Findings on Use of Deadly Weapon	: N/A
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Punishment Assessed by	: Jury
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Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50
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Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997
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Time Credited	: 660 days
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Total amount of restitution	:
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Concurrent Unless Otherwise Specified.	
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Restitution to Be Paid To:	
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Name:	
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Address:	
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Art. 6252-13c	
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Registration Required	: YES
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Victim's Age	: 12 years of age
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The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count II of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's

plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count II of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count II of the indictment, assess punishment at confinement in the Institutional Division

of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count II of the indictment, and that the said defendant committed said offense on or about the 15th day of February, 1991, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count II of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas

Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT III.

THE STATE OF TEXAS • IN THE 367TH JUDICIAL
VS. • DISTRICT COURT OF
SCOTT LESLIE CARMELL • DENTON COUNTY,
• TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel
Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : AGGR. SEXUAL
Convicted of : ASSAULT (Cnt 3)
Degree : 2nd

Date Offense Committed : June 1, 1991

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
Findings on Use of Deadly Weapon	: N/A
Punishment Assessed by	: Jury
Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50
Punishment-Place of Confinement	: LIFE in TDCJ
Date to Commence	: Jan. 14, 1997
Time Credited	: 660 days
Total amount of restitution	:
Concurrent Unless Otherwise Specified.	
Restitution to Be Paid To:	
Name:	
Address:	
Art. 6252-13c	
Registration Required	: YES
Victim's Age	: 13 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of AGGRAVATED SEXUAL ASSAULT as alleged in Count III of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of AGGRAVATED SEXUAL ASSAULT, as alleged in Count III of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry

Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of AGGRAVATED SEXUAL ASSAULT, as alleged in Count III of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of LIFE and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of AGGRAVATED SEXUAL ASSAULT, as alleged in Count III of the indictment, and that the said defendant committed said offense on or about the 1st day of June, 1991, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of LIFE and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of AGGRAVATED SEXUAL ASSAULT, as alleged in Count III of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for A term of LIFE and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of LIFE and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT IV.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : AGGR. SEXUAL
Convicted of : ASSAULT (Cnt 3)
Degree : 2nd

Date Offense Committed : July 1, 1991

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : LIFE in TDCJ
Date to Commence : Jan. 14, 1997

Time Credited : 660 days

Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required : YES

Victim's Age : 13 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of AGGRAVATED SEXUAL ASSAULT as alleged in Count IV of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment

read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of AGGRAVATED SEXUAL ASSAULT, as alleged in Count IV of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of AGGRAVATED SEXUAL ASSAULT, as alleged in Count IV of the indictment, assess punishment at confinement in the Institutional

Division of the Texas Department of Criminal Justice for a term of LIFE and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of AGGRAVATED SEXUAL ASSAULT, as alleged in Count IV of the indictment, and that the said defendant committed said offense on or about the 1st day of July, 1991, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of LIFE and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of AGGRAVATED SEXUAL ASSAULT, as alleged in Count IV of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the

Texas Department of Criminal Justice for A term of LIFE and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of LIFE and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT V.

THE STATE OF TEXAS • IN THE 367TH JUDICIAL
VS. • DISTRICT COURT OF
SCOTT LESLIE CARMELL • DENTON COUNTY,
• TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : INDECENCY
Convicted of : W/CHILD (Cnt 5)
Degree : 2nd

Date Offense Committed : November 1, 1991

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : 20 YRS. TDCJ

Date to Commence : Jan. 14, 1997

Time Credited : 660 days

Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required : YES

Victim's Age : 13 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count V of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count V of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count V of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count V of the indictment, and that the said defendant committed said offense on or about the 1st day of November, 1991, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence

should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count V of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

[Right Thumbprint Omitted in
Printing]

NO. F-96-1227-E
COUNT VI.

THE STATE OF TEXAS • IN THE 367TH JUDICIAL
VS. • DISTRICT COURT OF
SCOTT LESLIE CARMELL • DENTON COUNTY,
• TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State	: Earl Dobson Paige McCormick
Attorney for Defendant	: Henry Paine, Jr.

Offense	INDECENCY
Convicted of	: W/CHILD (Cnt 6)
Degree	: 2nd
Date Offense Committed	: March 1, 1992

Charging Instrument	: Indictment
Plea	: Not Guilty

Jury Verdict	: Guilty
Presiding Juror	: Terri Tomchesson

Plea to Enhancement	: N/A
Findings On Enhancement	: N/A

Findings on Use of Deadly Weapon	: N/A
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Punishment Assessed by	: Jury
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Date Sentence Imposed	: Jan. 14, 1997
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Costs and additional warrant fee, if any	: \$173.50
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Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997

Time Credited	: 660 days
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Total amount of restitution	:
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Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required	: YES
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Victim's Age	: 13 years of age
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The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count VI of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's

plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count VI of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count VI of the indictment, assess punishment at confinement in the Institutional Division

of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count VI of the indictment, and that the said defendant committed said offense on or about the 1st day of March, 1992, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count VI of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas

Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT VII.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : SEXUAL
Convicted of : ASSAULT (Cnt 7)
Degree : 2nd

Date Offense Committed : June 1, 1992

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
Findings on Use of Deadly Weapon	: N/A
Punishment Assessed by	: Jury
Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50
Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997
Time Credited	: 660 days
Total amount of restitution	:
Concurrent Unless Otherwise Specified.	
Restitution to Be Paid To:	
Name:	
Address:	
Art. 6252-13c	
Registration Required	: YES
Victim's Age	: 14 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of SEXUAL ASSAULT as alleged in Count VII of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count VII of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count VII of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of SEXUAL ASSAULT, as alleged in Count VII of the indictment, and that the said defendant committed said offense on or about the 1st day of June, 1992, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence

should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of SEXUAL ASSAULT, as alleged in Count VII of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for A term of TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT VIII.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense INDECENCY
Convicted of : W/CHILD (Cnt 8)
Degree : 2nd

Date Offense Committed : March 1, 1993

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : 20 YRS. TDCJ
Date to Commence : Jan. 14, 1997

Time Credited : 660 days

Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required : YES

Victim's Age : 14 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count VIII of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's

plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count VIII of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count VII of the indictment, assess punishment at confinement in the Institutional Division

of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count VIII of the indictment, and that the said defendant committed said offense on or about the 1st day of March, 1993, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count VIII of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas

Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT IX.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding:	: Lee Gabriel
Date of Judgment	: Jan. 14, 1997
Attorney for State	: Earl Dobson Paige McCormick
Attorney for Defendant	: Henry Paine, Jr.
Offense	: INDECENCY
Convicted of	: W/CHILD (Cnt 9)
Degree	: 2nd
Date Offense Committed	: June 1, 1993
Charging Instrument	: Indictment
Plea	: Not Guilty
Jury Verdict	: Guilty
Presiding Juror	: Terri Tomchesson

Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
Findings on Use of Deadly Weapon	: N/A
Punishment Assessed by	: Jury
Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50
Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997
Time Credited	: 660 days
Total amount of restitution	:
Concurrent Unless Otherwise Specified.	
Restitution to Be Paid To:	
Name:	
Address:	
Art. 6252-13c Registration Required	: YES
Victim's Age	: 15 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count IX of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count IX of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count IX of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count IX of the indictment, and that the said defendant committed said offense on or about the 1st day of June, 1993, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count IX of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

[Right Thumbprint Omitted in
Printing]

NO. F-96-1227-E
COUNT X.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel
Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick
Attorney for Defendant : Henry Paine, Jr.

Offense : INDECENCY
Convicted of : W/CHILD (Cnt 10)
Degree : 2nd

Date Offense Committed : July 1, 1993

Charging Instrument : Indictment
Plea : Not Guilty

Jury Verdict : Guilty
Presiding Juror : Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : 20 YRS. TDCJ

Date to Commence : Jan. 14, 1997

Time Credited : 660 days

Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required : YES

Victim's Age : 15 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count X of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count X of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count X of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count X of the indictment, and that the said defendant committed said offense on or about the 1st day of July, 1993, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence

should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count X of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

[Right Thumbprint Omitted in
Printing]

NO. F-96-1227-E
COUNT XI.

THE STATE OF TEXAS • IN THE 367TH JUDICIAL
VS. • DISTRICT COURT OF
SCOTT LESLIE CARMELL • DENTON COUNTY,
 • TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State	: Earl Dobson Paige McCormick
Attorney for Defendant	: Henry Paine, Jr.
Offense	: SEXUAL
Convicted of	: ASSAULT (Cnt 11)
Degree	: 2nd
Date Offense Committed	: September 1, 1993
Charging Instrument	: Indictment
Plea	: Not Guilty
Jury Verdict	: Guilty
Presiding Juror	: Terri Tomchesson
Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
Findings on Use of Deadly Weapon	: N/A
Punishment Assessed by	: Jury
Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50

Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997

Time Credited	: 660 days
Total amount of restitution	:

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:
Name:
Address:

Art. 6252-13c	
Registration Required	: YES
Victim's Age	: 15 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of SEXUAL ASSAULT as alleged in Count XI of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not

guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XI of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XI of the indictment, assess punishment at confinement in the Institutional Division of the Texas

Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of SEXUAL ASSAULT, as alleged in Count XI of the indictment, and that the said defendant committed said offense on or about the 1st day of September, 1993, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of SEXUAL ASSAULT, as alleged in Count XI of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of

Criminal Justice for A term of TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT XII.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : SEXUAL
Convicted of : ASSAULT (Cnt 12)
Degree : 2nd

Date Offense Committed : March 15, 1994

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
Findings on Use of Deadly Weapon	: N/A
Punishment Assessed by	: Jury
Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50
Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997
Time Credited	: 660 days
Total amount of restitution	:
Concurrent Unless Otherwise Specified.	
Restitution to Be Paid To:	
Name:	
Address:	
Art. 6252-13c Registration Required	: YES
Victim's Age	: 15 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of SEXUAL ASSAULT as alleged in Count XII of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XII of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XII of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of SEXUAL ASSAULT, as alleged in Count XII of the indictment, and that the said defendant committed said offense on or about the 15th day of March, 1994, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence

should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of SEXUAL ASSAULT, as alleged in Count XII of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for A term of TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT XIII.

THE STATE OF TEXAS • IN THE 367TH JUDICIAL
VS. • DISTRICT COURT OF
SCOTT LESLIE CARMELL • DENTON COUNTY,
• TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : SEXUAL
Convicted of : ASSAULT (Cnt 13)
Degree : 2nd

Date Offense Committed : May 1, 1994

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : 20 YRS. TDCJ
Date to Commence : Jan. 14, 1997

Time Credited : 660 days
Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c
Registration Required : YES
Victim's Age : 16 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of SEXUAL ASSAULT as alleged in Count XIII of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not

guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XIII of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XIII of the indictment, assess punishment at confinement in the Institutional Division of the

Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of SEXUAL ASSAULT, as alleged in Count XIII of the indictment, and that the said defendant committed said offense on or about the 1st day of May, 1994, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of SEXUAL ASSAULT, as alleged in Count XIII of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of

Criminal Justice for A term of TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT XIV.

THE STATE OF TEXAS * IN THE 367TH JUDICIAL
VS. * DISTRICT COURT OF
SCOTT LESLIE CARMELL * DENTON COUNTY,
* TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State : Earl Dobson
Paige McCormick

Attorney for Defendant : Henry Paine, Jr.

Offense : INDECENCY
Convicted of : W/CHILD (Cnt 14)
Degree : 2nd

Date Offense Committed : September 1, 1994

Charging Instrument : Indictment

Plea : Not Guilty

Jury Verdict : Guilty

Presiding Juror : Terri Tomchesson

Plea to Enhancement : N/A

Findings On Enhancement : N/A

Findings on Use
of Deadly Weapon : N/A

Punishment Assessed by : Jury

Date Sentence Imposed : Jan. 14, 1997

Costs and additional
warrant fee, if any : \$173.50

Punishment-Place of
Confinement : 20 YRS. TDCJ

Date to Commence : Jan. 14, 1997

Time Credited : 660 days

Total amount of restitution :

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:

Name:

Address:

Art. 6252-13c

Registration Required : YES

Victim's Age : 16 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of INDECENCY WITH A CHILD as alleged in Count XIV of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count XIV of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the

jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of INDECENCY WITH A CHILD, as alleged in Count XIV of the indictment, assess punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of INDECENCY WITH A CHILD, as alleged in Count XIV of the indictment, and that the said defendant committed said offense on or about the 1st day of September, 1994, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence

should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of INDECENCY WITH A CHILD, as alleged in Count XIV of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO
RECEIVED THIS JUDGMENT AND
SENTENCE ASSESSED ON THIS
DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]

NO. F-96-1227-E
COUNT XV.

THE STATE OF TEXAS • IN THE 367TH JUDICIAL
VS. • DISTRICT COURT OF
SCOTT LESLIE CARMELL • DENTON COUNTY,
• TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY - NO
PROBATION GRANTED

(Filed Jan. 15, 1997)

Judge Presiding: : Lee Gabriel

Date of Judgment : Jan. 14, 1997

Attorney for State	: Earl Dobson Paige McCormick
Attorney for Defendant	: Henry Paine, Jr.
Offense	SEXUAL
Convicted of	: ASSAULT (Cnt 15)
Degree	: 2nd
Date Offense Committed	: March 13, 1995
Charging Instrument	: Indictment
Plea	: Not Guilty
Jury Verdict	: Guilty
Presiding Juror	: Terri Tomchesson
Plea to Enhancement	: N/A
Findings On Enhancement	: N/A
Findings on Use of Deadly Weapon	: N/A
Punishment Assessed by	: Jury
Date Sentence Imposed	: Jan. 14, 1997
Costs and additional warrant fee, if any	: \$173.50

Punishment-Place of Confinement	: 20 YRS. TDCJ
Date to Commence	: Jan. 14, 1997

Time Credited	: 660 days
Total amount of restitution	:

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:
Name:
Address:

Art. 6252-13c Registration Required	: YES
Victim's Age	: 16 years of age

The defendant, SCOTT LESLIE CARMELL, having been indicted in the above entitled and numbered cause for the felony offense of SEXUAL ASSAULT as alleged in Count XV of the indictment, and this day this cause being called for trial, the State appeared by her Assistant Criminal District Attorney, Paige McCormick and/or Earl Dobson, and the defendant, SCOTT LESLIE CARMELL appeared in person, Henry Paine, Jr. counsel, Henry Paine, Jr., also being present, and both parties announced ready for trial, and the said defendant in open court was duly arraigned and in person pled NOT GUILTY to the charge contained in the indictment herein; thereupon a jury to-wit: Terri Tomchesson, and eleven others, was duly selected, impaneled and sworn, who, having heard the indictment read, and the defendant's plea of not

guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the defendant, and after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict, and afterward were brought into open court, by the proper officer, the defendant and Henry Paine, Jr. counsel being present, and in due form of law returned into open court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court to-wit: "We, the jury, find the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XV of the indictment."

The defendant having been found guilty by verdict of the jury and heretofore, at the time of entering Henry Paine, Jr. plea herein, having requested in writing that the jury assess the punishment herein, and further evidence being heard by the jury, the Court again charged the jury as provided by law, and the jury after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterward was brought into open court by the proper officer, the defendant and his counsel being present and in due form of law returned into open Court the following verdict, which was received and accepted by the Court, and is here now entered upon the minutes of the Court, to-wit: "We, the jury, having found the defendant, SCOTT LESLIE CARMELL, guilty of the offense of SEXUAL ASSAULT, as alleged in Count XV of the indictment, assess punishment at confinement in the Institutional Division of the Texas

Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-."

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court, that the said defendant is guilty of the felony offense of SEXUAL ASSAULT, as alleged in Count XV of the indictment, and that the said defendant committed said offense on or about the 13th day of March, 1995, as found by the jury and that he be punished as has been determined by the jury, by confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0-, that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue, and that said defendant be sentenced in accordance with said assessment of punishment.

THEREUPON, the said defendant, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and in appearing to the Court that the defendant is mentally competent and understanding of the English language, the Court proceeded in the presence of the said defendant, Henry Paine, Jr. counsel also being present, to pronounce sentence against him as follows:

IT IS THE ORDER OF THE COURT that the said defendant, SCOTT LESLIE CARMELL, who has been adjudged to be guilty of SEXUAL ASSAULT, as alleged in Count XV of the indictment, and whose punishment has been assessed by the verdict of the jury at confinement in the Institutional Division of the Texas Department of

Criminal Justice for A term of TWENTY (20) YEARS and a fine of \$-0-, to be delivered by the Sheriff of Denton County, Texas, immediately, to the Director of the Institutional Division of the Texas Department of Criminal Justice or other persons legally authorized to receive such convicts, and said defendant shall be confined in said Institutional Division of the Texas Department of Criminal Justice for a term of TWENTY (20) YEARS and a fine of \$-0- in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice of said State and the said defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

IT IS FURTHER ADJUDGED AND DECREED by this Court that the sentence pronounced herein shall begin this date, and that the defendant is granted 660 days credit for time served.

SIGNED this the 14 day of January, 1997.

/s/ Lee Gabriel
JUDGE PRESIDING

January 14, 1997
DATE SIGNED

Notice of Appeal: _____

I AM THE PERSON WHO RECEIVED
THIS JUDGMENT AND SENTENCE
ASSESSED ON THIS DATE.

01-14-97 DATE

/s/ Scott L. Carmell

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Printing]
